

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Document # \_\_\_\_\_

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Santos

USCA NO. \_\_\_\_\_

-v-

SDNY NO. 08cv3213

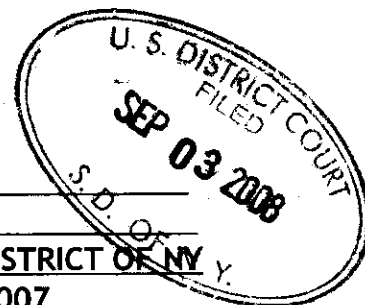
JUDGE: KMW

DATE: 9 / 3 / 2008

USA  
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**INDEX TO THE RECORD ON APPEAL**

PREPARED BY (NAME) Nezam D.  
FIRM APPEALS SECTION  
ADDRESS UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NY  
500 PEARL STREET, NEW YORK, NEW YORK 10007  
PHONE NO. (212) 805-0636



DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

\_\_\_\_\_  
**Clerk's Certificate**

\_\_\_\_\_  
**See Attached List of Numbered Documents**

\_\_\_\_\_  
**Only Circled Documents Included**  
\_\_\_\_\_

( ☒ ) Original Record

( ☐ ) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A  
for the Second Circuit on the 3<sup>rd</sup> Day of September, 2008.

**United States District Court for  
the Southern District of New York**

Rafael Santos

-v-

USA

Date: 9/3/2008

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 08cv3213

D.C. JUDGE KMW

**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 6, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

**Date Filed**

**Document Description**

**\*\*Balance of Files already in USCA under case # 08-1666**

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 3<sup>rd</sup> Day of September In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233<sup>rd</sup> year.

**J. Michael McMahon, Clerk**

By \_\_\_\_\_

Deputy Clerk

2255, APPEAL, CLOSED, LEAD, PRO-SE

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-03213-KMW**  
**Internal Use Only**

Santos v. USA  
Assigned to: Judge Kimba M. Wood  
Member case: (View Member Case)  
Related Case: 1:88-cr-00642-KTD-3  
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 04/01/2008  
Date Terminated: 04/01/2008  
Jury Demand: None  
Nature of Suit: 510 Prisoner: Vacate Sentence  
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
04/01/2008	1	DEFENDANT'S PETITION FOR CORAM NOBIS. NO FURTHER ENTRIES. PLEASE SEE CRIMINAL CASE: 88-cr-642 (RJW). Document filed by Rafael Santos.(laq) (Entered: 04/08/2008)
04/01/2008		Magistrate Judge Frank Maas is so designated. (laq) (Entered: 04/08/2008)
04/01/2008	2	TRANSFER ORDER (U.S.C.A.), Accordingly, the instant motions (1:08-cv-3213 & 1:08-cv-3214) are hereby consolidated for the purpose of this order and transferred to the U.S.C.A. for the Second Circuit in the interest of justice. Petitioner must move in the transferee court for permission to proceed. This Order closes these docket numbers. That provision of Rule 83.1 of the Local Rules for the Southern District of New York which requires a five-day delay is waived. Mailed via Inter-Office Mail on 4/1/08. (Signed by Judge Kimba M. Wood on 4/1/08) (laq) (Entered: 04/08/2008)
07/07/2008	3	ORDER: On April 11, 2008, petitioner's attached letter seeking reconsideration of the Court's 4/1/08 Order was received by this Court's Pro Se Office. I liberally construe this letter as a motion brought pursuant to Rule 60(b) of the F.R.C.P. because this motion was filed within ten days of the entry of judgment. Accordingly, as petitioner has presented no evidence or controlling legal authority that this Court has overlooked and has failed to set forth "exceptional circumstances" to warrant reconsideration of the prior Order, his motion is DENIED. I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this Order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 7/7/08) (tro) (Entered: 07/08/2008)
07/28/2008	4	MANDATE of USCA (Certified Copy) USCA Case Number 08-1666-op. NOTICE HAVING BEEN GIVEN that the petitioner was required to file an application requesting that the court authorize a second or successive habeas corpus in the U.S.D.C., and PETITIONER HAVING FAILED to file said application within the FORTY FIVE DAYS prescribed, authorization for underlying petition is DENIED to Liriano v. USA, 95 F.3d 119 (2nd Cir. (NY)). Any motions pending prior to the entry of this order of dismissal are deemed MOOT. Catherine O'Hagan Wolfe, Clerk USCA. Certified: 7/25/2008. (nd) (Entered: 07/28/2008)
07/28/2008		Transmission of USCA Mandate/Order to the District Judge re: 4 USCA Mandate Non-Dismissal,, (nd) (Entered: 07/28/2008)
08/21/2008	6	NOTICE OF APPEAL from 3 Order. Document filed by Rafael Santos. Copies mailed to attorney(s) of record: A.U.S.A. (tp) (Entered: 09/03/2008)
08/21/2008		Appeal Remark as to 6 Notice of Appeal filed by Rafael Santos. \$455.00 APPEAL FEE DUE. IFP REVOKED 8/28/08. COA DENIED 8/28/08. (tp) (Entered: 09/03/2008)
08/28/2008	5	ORDER: As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability shall not issue. (Signed by Judge Kimba M. Wood on 8/28/2008) (jpo); Docketed in Criminal Case 88-cr-642 also. (Entered: 08/29/2008)
09/03/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 6 Notice of Appeal. (tp) (Entered: 09/03/2008)
09/03/2008		Transmission of Notice of Appeal to the District Judge re: 6 Notice of Appeal. (tp) (Entered: 09/03/2008)